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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/037,681	10/24/2001	Mark E. Toth	20404/301	20404/301 8295	
75	90 02/09/2005		EXAM	INER	
Oppenheimer Wolff & Donnelly LLP Suite 3300			SHERR, CRISTINA O		
45 South Seventh Street Minneapolis, MN 55402-1609			ART UNIT	PAPER NUMBER	
			3621		
			DATE MAILED: 02/09/200:	DATE MAILED: 02/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Ap								
Examiner  Cristina Owen Sherr  3021  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  - and SIX (8) MONTHS from the maining date of this communication.  - If the good for only specified down is less than their, (0) days, a nely white the assation ymbrourum of Eving (20) days will be detailed.  - If the good for only specified down is less than their, (0) days, a nely white the assation ymbrourum of Eving (20) days will be the standard principle of the communication.  - If the good for only specified down is less than their (0) days, a nely white the assation ymbrourum of Eving (20) days will be assation to excern ASANGONED (20 U.S.C. § 133).  - Any reply received by the Office later than there encoling after the malling date of this communication.  - Any reply received by the Office later than there encoling after the malling date of this communication.  - Any reply received by the Office later than there encoling after the malling date of this communication.  - Any reply received by the Office later than there encoling after the malling date of this communication.  - Any reply received by the Office later than there encoling after the malling date of this communication.  - Status  - The status is application in in condition for all owners except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - Application of Claims  - Application of United Status and the Claims of Claims and Claims in any the application in the Claims of Claims and C		Application No.	Applicant(s)					
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal P						

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#### **DETAILED ACTION**

This communication is in response to the Applicant's Amendment filed November
 23, 2004. Claims 1-20 are pending in this case.

#### Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,839,683) "Walker 1" in view of Walker et al (US 6,634,550) "Walker 2".
- 5. Regarding claim 1 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer-centric communication system, comprising: a code segment that provides a user interface that allows a customer to order merchandise; a code segment that provides a virtual server as part of the user interface, for assisting the customer with the user interface without human intervention; a code segment that provides bill payment functionality to allow the customer to pay for the merchandise with cash, a check, credit card, or a gift certificate. (e.g. col 3 ln 40 – col 4 ln 30).

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6. Walker 2 discloses a code segment that provides entertainment services to occupy the attention of a customer (e.g. col 1 ln 65 – col 2 ln 50).

## 7. Regarding claim 2 –

Walker 2 discloses a computer code embodied on a computer readable medium for a communication system wherein the entertainment service is movie information access (e.g. col 2 ln 20-40).

#### 8. Regarding claim 3 –

Walker 2 discloses a computer code embodied on a computer readable medium wherein the entertainment service is a game (e.g. col 2 ln 20-40).

## 9. Regarding claim 4 –

Walker 2 discloses a computer code embodied on a computer readable medium for a communication system wherein the entertainment service is Internet access for browsing websites (e.g. col 2 ln 20-40).

## 10. Regarding claim 5 -

Walker 2 discloses a computer code embodied on a computer readable medium for a communication system wherein the entertainment service is Internet access in which browsing is limited to a predetermined set of websites (e.g. col 2 ln 30-40).

# 11. Regarding claim 6 -

Walker 2 discloses a computer code embodied on a computer readable medium for a communication system further comprising a code segment that allows the customer to send Internet e-mail messages (e.g. col 2 ln 20-30).

## 12. Regarding claim 7 -

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Walker 1 discloses a computer code embodied on a computer readable medium for a communication system further comprising a code segment that allows the customer to send messages to a second customer also using the communication system (e.g. col 4 ln 20-30).

#### 13. Regarding claim 8 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, further comprising a code segment that provides a data mining analysis tool for analyzing transactions performed by the communication system (e.g. col 5 ln 5-20).

#### 14. Regarding claim 9 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, further comprising a code segment that allows the customer to purchase gift certificates (e.g. col 5 In 40-55).

#### 15. Regarding claim 10 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, further comprising a code segment that allows the customer to place an order from a remote location via the Internet (e.g. col 4 ln 10-30).

#### 16. Regarding claim 11 -

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system further comprising a code segment that

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manages an incentive program to encourage the customer to order the merchandise (e.g. col 4 ln 5-30).

#### 17. Regarding claim 12 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system further comprising a code segment that provides integrated human resource capabilities (e.g. col 4 ln 35-50).

## 18. Regarding claim 13 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system further comprising a code segment that performs voice recognition and voice synthesis to allow the customer to operate the communication system even if disabled (e.g. col 5 ln 25-50).

## 19. Regarding claim 14 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system wherein the virtual server is an animated figure that emulates human personality traits (e.g. col 6 ln 20-35).

## 20. Regarding claim 15 -

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, wherein the virtual server teaches the customer how to operate the communication system (e.g. col 6 ln 10-25).

#### 21. Regarding claim 16 -

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Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, wherein the virtual server suggestively sells the merchandise to the customer (e.g. col 5 ln 20-35).

22. Regarding claim 17 –

Walker 1 discloses a computer code embodied on a computer readable medium for a customer centric communication system from claim 1, further comprising a code segment that allows the customer to make a reservation via the Internet (e.g. col 6 In 20-35).

- 23. It would be obvious for person of ordinary skill in the art to combine the teachings of Walker 1 and Walker 2 in order to obtain a more efficient restaurant or a store is more economical to run and maintain.
- 24. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,839,683) "Walker 1" in view of Walker et al (US 6,634,550) "Walker 2".
- 25. Regarding claim 18 -

Walker 1 discloses a computer code embodied on a computer readable medium for a customer-centric communication system, comprising: a code segment that provides a user interface that allows a customer to order merchandise; a code segment that provides a virtual server as part of the user interface, for assisting the customer with the user interface; a code segment that provides bill payment functionality to allow the customer to pay for the merchandise; and a code segment that provides entertainment services to occupy the attention of the customer via a computer code embodied on a

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computer readable medium, as in claim 1 for the choosing and purchasing of merchandise without human intervention (e.g. col 3 ln 40 – col 4 ln 30).

26. Walker 2 discloses a code segment that provides entertainment services to occupy the attention of a customer (e.g. col 4 ln 20-30).

#### 27. Regarding claim 19 -

Walker 2 discloses a computer code embodied on a computer readable medium for a customer centric communication system further comprising a code segment that allows the customer to send messages to a second customer also using the communication system (e.g. col 4 ln 20-30).

## 27. Regarding claim 20 -

Walker 2 discloses a computer code embodied on a computer readable medium for a customer centric communication system further comprising a code segment that manages an incentive program to encourage the customer to order the merchandise (e.g. col 4 ln 5-30).

- 28. It would be obvious for person of ordinary skill in the art to combine the teachings of Walker 1 and walker 2 in order to obtain a more efficient restaurant that is more economical to run and maintain.
- 29. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

  Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the

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responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### Conclusion

- 30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 31. Battistini et al (US 5,907,275A) disclose an order communication system for restaurants.
- 32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.
- 33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- 34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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